



**CITY OF BURBANK**  
**APPLICATION FOR APPOINTMENT TO**  
**CITY CLERK**

CLERK 12MAY31PM 4:23

Mr./Ms./Mrs.  
Name

Nelms  
(Last)

Rena  
(First)

Marie  
(Middle)

Resident of Burbank for 8 2/3 Years

Burbank Registered Voter: Yes ☒ No ☐

Fax No. \_\_\_\_\_

**\*\*Pursuant to Charter Sections 800 and 810, no person shall be eligible to be City Clerk unless he/she is an elector of and actually lives in the City.**

**Education:**

| SCHOOL                  | MAJOR   | GRADUATION DATE & DEGREE   |
|-------------------------|---|----------------------------|
| UC Irvine, UCLA<br>UCLA | Humanities<br>Attorney Assistant Training Program | 1985 - Cert. in Litigation |

Additional Pertinent Courses or Training: Extensive computer training, records management and database training and maintenance.

Other Pertinent Skills, Experience or Interests: Extensive experience working with government agencies and outside vendors during the litigation process.

**Employment Information:**

Present Occupation: Senior paralegal - not currently employed.

Name of Firm: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Specify current or prior service on a City Board, Commission or Committee:

When I was much younger I did some volunteer work at my local polling station during elections, in Redondo Beach, CA.

APPLICANT'S NAME: Rena Marie Nelms

List community activities in which you are involved:

My normal work schedule does not permit me to contribute to the community as much as I would like, but in the past I have regularly contributed my time to my church, and have regularly supported public television and participated in the Sierra Club walks through Griffith Park.

Describe any qualifications, experience, and education, as well as any technical or professional background you may have relative to the duties of this position:

Please see attached documents.

What are your goals in serving as the City Clerk?

I would hope to continue the standard of excellence in providing city services, reporting on city business, and maintaining the city's records that Ms. Campos has established. I believe that my career to date has well prepared me to take on this challenge. The position of City Clerk of Burbank is a logical and exciting next step for my professional advancement.

**PLEASE NOTE THAT THIS APPLICATION BECOMES PUBLIC INFORMATION AND MAY BE AVAILABLE ON THE CITY'S WEBSITE.**

I hereby certify that the information contained in this application and any accompanying documents is true and correct to the best of my knowledge.

\_\_\_\_\_  
Signature of Applicant

May 31, 2012  
Date

You are encouraged to attach additional pages, enclose a copy of your resume or submit supplemental information which you feel may assist the City Council in the evaluation of your application.

When completed mail/submit original to:

Office of the City Clerk  
City of Burbank  
275 East Olive Avenue  
Burbank, California 91502

Rena Nelms

Office of the City Clerk  
City of Burbank  
275 East Olive Avenue  
Burbank, CA 91502

May 31, 2012

Dear Sir/Madam:

Enclosed please find the following documents:

1. City of Burbank Application For Appointment to City Clerk
2. A copy of my resume
3. A writing sample
4. Sections from the Litigation Clerk Handbook

I am applying for the newly vacated position of City Clerk. As you can see from my background, my professional experience is as a litigation paralegal and Case Manager in medium sized law firms, both in downtown Los Angeles and in Century City. I am including the documents listed above as numbers 3 and 4, as I believe that, when combined with my resume, they will more fully describe my various duties as a Case Manager, and you may see distinct parallels between my paralegal experience and the qualities and experience necessary to perform the duties of City Clerk.

Document number 3, my writing sample, is a report I generated after attending a court hearing, more fully described on the attached memo. My understanding of the City Clerk's position is that accurate reporting on hearings and general record keeping is a significant part of the job description.

Document number 4 is a portion of a handbook I created while serving as Senior Supervising Paralegal at Irell & Manella. The litigation clerk program is a paid one year internship for recent college graduates to experience the law firm environment before committing to law school, and to provide litigation support for the senior paralegals. As the litigation clerk supervisor, the other paralegals would comment to me that the clerks' learning curve took up the first half of their time at the firm, and that they would only become truly valuable as they were about to exit the program. To solve this annual dilemma, I created the Litigation Clerk

Handbook. I have enclosed a portion of the handbook to demonstrate the complexity of the work we were doing, and to show my management style. As you can see from the text, I believe in an open door policy, and in valuing all contributions to the process. I believe that people who understand the process understand how their part fits into the larger picture, and the quality of work inevitably reflects this understanding and sense of value each person experiences, even when the tasks appear to be relatively menial when compared to the project as a whole.

Over the past several years I have looked for what would be the next step in my career, and I believe the position of City Clerk is that next step. I hope that you will agree. Should you wish to discuss this further, I can be reached at : Thank you kindly for this wonderful opportunity to serve the City of Burbank.

Sincerely,



# RENA NELMS

## EDUCATION

### GRADUATE EDUCATION

University of California, Los Angeles, University Extension, Attorney Assistant Training Program offered in cooperation with UCLA School of Law and approved by the American Bar Association. Certificate in Litigation, November 1985.

### UNDERGRADUATE EDUCATION

Oxford University 1993  
University of California, Los Angeles 1983-1984  
University of California, Irvine 1971-1974

## EXPERIENCE

PARALEGAL, Browne, Woods George. February 2009 – October 2011. Duties include all aspects of attorney support for multi district litigation regarding TILA (Truth in Lending Act) claims regarding real estate loans, labor, probate, entertainment and other business litigation. Conducted factual research, prepared privilege logs, witness files, participated in all aspects of trial preparation through the appellate stage, including drafting pleadings, cite and quote checking, coordination of vendor and co-counsel assignments and preparation of voluminous trial exhibits and appellant's appendixes. Provided all paralegal support for five attorneys during a two month arbitration.

CONTRACT PARALEGAL, Theodora, Oringher, Miller & Richman. September – December 2008. Provided trial support on class action litigation, including preparation of deposition summaries, review and organization of electronic files for preparation of case binders, trial exhibits, exhibits to pleadings and witness files, conducted factual research on Concordance, LiveNote and Ringtail databases, and attorney support before and during two month trial.

CONTRACT PARALEGAL, Mitchell, Silberberg & Knupp. April 2007 – June 2008. Case manager for complex litigation. Duties included all aspects of discovery, pretrial preparation and trial support for large scale multi district business and labor litigation, including preparation of trial exhibits, witness files, organization and analysis of client documents, database maintenance, research, preparation of case and trial binders and general attorney support.

SENIOR SUPERVISING PARALEGAL, Irell & Manella. June 1997 – July 2006. Case manager for complex business litigation. Duties included organizing and maintaining case files, coordinating work assignments between attorneys and support staff, supervising junior paralegals and litigation clerks, and assisting

attorneys in all aspects of discovery, trial preparation and appeals in patent, trademark, labor, bankruptcy, securities and other large scale litigation. Assisted Human Resources Department in hiring process for litigation clerks and file clerks, including interviewing, case assignments, monitoring work product and performance reviews. Coordinated litigation staff work assignments and overflow coverage for other departments as needed. Arranged for temporary staffing for paralegal department for special projects. Proficient in Word, CaseHomePage, Summation, Concordance, familiar with Access, Excel, PowerPoint, LiveNote and CaseMap. As a special project I created a litigation clerk training handbook of firm procedures for new employees and others assisting the litigation department.

PARALEGAL SUPERVISOR, Pretty, Schroeder & Poplawski. December 1996 - March 1997. Coordinated paralegal support for all firm litigation, and assisted attorneys and secretaries in completing court filings in local federal courts. Oversaw production of firm and attorney litigation calendars, and implemented firm conversion to new computerized docketing system. Conducted factual research. Proficient in WordPerfect 6.1 for Windows, Q&A, Summation for Windows and Compulaw calendaring system.

PARALEGAL, Lyon & Lyon. November 1993 - August 1996. Duties included organizing and maintaining case files, supervising paralegal assistants and assisting attorneys in all aspects of discovery and trial preparation in large scale patent and trademark infringement and antitrust litigation. Coordinated and supervised document production and deposition in Singapore. Additional duties included preparing the firm litigation calendar during the calendar clerk's absence, reviewing and analyzing trademark prosecution files and preparing client charts of international trademark coverage. Proficient in Summation deposition and database management software, experienced with Windows 95.

LEGAL ASSISTANT, Lane Powell Spears Lubersky. February 1991 - October 1993. Duties included organizing and maintaining case files, project assistant supervision and assisting attorneys in all aspects of discovery and trial preparation in large scale toxic tort, FELA and products liability litigation. Additional duties included conducting investigation in bankruptcy matters and attending bankruptcy hearings. Proficient in Lexis, Wang, WordPerfect 5.1 and CAT-Links deposition management software.

PARALEGAL, Buchalter, Nemer, Fields & Younger. June 1988 - January 1991. Organized and maintained case files and directed attorneys, paralegals and case clerks during high volume document productions in large scale insurance coverage litigation. Developed databases using computerized litigation support systems. Reviewed and analyzed insurance policies and prepared coverage charts. Assisted attorneys in all aspects of discovery and pretrial preparation. Proficient in Inmagic and Quorum Systems litigation support systems.

PARALEGAL, Transamerica Insurance Group. May 1987 - June 1988. Maintained case files in the Environmental Claims Department. Assisted claims analysts in the development of statistical information, organized policy information for attorney review and maintained financial records. As a special project, I reorganized the department's computerized check processing system, resulting in an estimated annual savings of \$250,000 in check processing costs.

PARALEGAL, Somers, Hall, Verrastro & Kern. April 1986 - May 1987. Assisted attorneys in discovery and trial preparation in products liability litigation. Reorganized and maintained research library. Evaluated and revised computerized case maintenance system. Developed indexing system for materials produced in discovery.

References available on request.



16 February 2007

To whom it may concern:

Attached please find a writing sample from July 7, 1988. It is a rather dated sample but I like to use this memorandum because there are no privilege issues attached to it.

I had been at Buchalter, Nemer, Fields and Younger less than a month when I was asked to attend and take notes on a hearing in Denver, because no one who was assigned to that case could attend. This was the very beginning of my experience with toxic tort matters, so most of what transpired at the hearing was unfamiliar territory for me. However, during my high school years I had had extensive training in journalism, including positions as editorial editor of the high school newspaper and academics editor of the school yearbook, so I approached this assignment from a journalistic mode. I assumed that, if I got the facts and the testimony straight, whoever would be reading the memo would make sense of the proceeding, even if I couldn't. Please disregard the typos! This is a copy of the original memorandum as it was circulated.

Rena Nelms



M E M O R A N D U M

TO: Victor Rabinowitz  
FROM: Rena Nelms *RN*  
DATE: July 7, 1988  
RE: Hearing on Consent Decree, United States v. Shell Oil

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On June 30, 1988, at the Federal Courthouse in Denver, Judge Carrigan heard arguments regarding the proposed consent decree prepared jointly by the United States and Shell Oil. In attendance: a United States Deputy District Attorney, three attorneys from the Department of Justice, three attorneys from the Colorado District Attorneys Office, three attorneys representing Shell Oil, an attorney representing Adams County, Colorado, Colonel Quintrell, representing the United States Army, and 55-60 spectators.

Judge Carrigan opened the hearing by stating that he saw a potential conflict of interest with the Department of Justice representing both the E.P.A. and the Army. The Deputy District Attorney representing the United States maintained that there is no conflict of interest, either factually or legally, as the responsibilities of the Army and the E.P.A. regarding CERCLA are the same. There is no disagreement between the various departments regarding the modified consent decree.

He also stated that Colorado has a role in the decision making process as set forth in the modified consent decree. Judge Carrigan brought up use restrictions placed on the property, and that other States, including Ohio and New Mexico, were concerned that Colorado was being "shut out" by Shell and the Army. The Judge asked why it was necessary to impose certain limitations on the property before the cleanup studies had been completed. The District Attorney countered that Colonel Quintrell, who is in charge of the cleanup of the Rocky Mountain Arsenal, has already undertaken over 4,000 water samples and 4,000 soil samples and has already completed a great deal of the work regarding the cleanup.

In fact, in early 1987 the Army considered lifting certain use restrictions then in place at the Rocky Mountain Arsenal, such as drinking water, home building and agricultural

restrictions. The problem is that the Army believes that there will always be a level of residual contamination at this site, and the Army must certify the property as clean for public use before lifting the present restrictions, which it feels unable to do. However, the area will eventually be acceptable for limited use, as an extension of the runway at Stapleton Airport, as campgrounds, and/or for Boy Scout jamborees. The District Attorney stated that after the cleanup, a very small portion of the Rocky Mountain Arsenal will remain subject to use restrictions. However, the consent decree does not address the issue of how the land will be used.

An affidavit of Jim Sherer, an E.P.A official involved with the cleanup since 1987, was introduced stating that he had decided that use restrictions were appropriate in this matter. Judge Carrigan commented that the State was not involved until after these use restrictions were already in place, his concern being that those in closest proximity to the site were not included in these decisions. "You'll go back to Washington, but we'll still live here" he said.

Nancy Firestone from the Department of Justice spoke next. It may take anywhere from 50 to 150 years to clean up the ground water for drinking, depending on what sort of action is initiated. Since 1975, meetings have been held quarterly between the State, the E.P.A and the Army to talk about the cleanup. She mentioned the Technical Program Plan, a 350 page document that the United States will follow during cleanup, and on which the State was represented.

However, the E.P.A. must approve the consent decree before work can start, and the State is holding up the process because they want the final decision over the E.P.A. on how to proceed with the cleanup. Ms. Firestone addressed the State's concern by saying that any problems with any aspect of the cleanup can be addressed in court as they arise. This consent decree is unique, she said, in that no one involved at this site will ever be "off the hook" for its cleanup. Since the cost will remain an unknown for some time, a percentage determination for liability was made, allowing cleanup to commence.

An attorney representing Shell Oil opened by saying that the consent decree was not a "sweetheart deal", that the proceedings were quite adversarial. Concerns by those involved in negotiations about possible conflict of interest between government agencies have been appeased by the reality of the proceedings leading to this consent decree. He reiterated that the plan of action is not some "quick fix", that every technological avenue has been explored regarding how best to approach the problems at the site, resulting in several lineal



feet of reports on inventory. In fact, the real problem is that there is such an array of possibilities available to this site that it could delay a decision. He made no reference to the Technical Program Plan. He did, however, urge the judge's approval of the consent decree, saying that the only alternative is litigation, which would surely impede the clean up of the Rocky Mountain Arsenal.

Judge Carrigan asked why the decree cannot be approved without the land use restrictions. The Shell attorney stated that the land use restrictions served an important public purpose by making people aware of the dangers of hazardous waste sites. Although the State alleges that the RI/FS will be limited and foreshortened by land use restrictions up front, Shell's position is that most of the studies have already been completed, and that the restrictions will have no effect of the pending Feasibility Study. Shell would welcome continued State involvement, and would hope to file a supplemental consent decree when its differences with the State are ironed out.

After a brief recess, an attorney representing the State of Colorado introduced a letter from Congressman Dingle criticizing the Department of Justice's role in challenging the State's authority in RCRA. Ms. Firestone interjected that Congressman Dingle was not even present at the meetings.

Ms. Berardini, also representing the State, then began by reminding the court that several states and groups, including the National Audubon Society, were filing papers in support of the State's decision. Judge Carrigan lamented the amount of paper headed his way and suggested that they could have filed one common document with each party's signature.

Ms. Berardini then called David C. Shelton, Director of the Hazardous Waste Materials and Waste Management Program at the Colorado Department of Health, to the stand. His concern was that the State's standards (ARARS) would not be considered in the criteria to determine areas in the site to be cleaned up. With use restrictions already in place at the site, those very restrictions would limit the identification of potential pathways of contamination, and thereby prejudice the entire process. The use restrictions, he said, apply to the entire 27 square mile area, and are indefinite until or unless modified by the United States and Shell. Previous consent decrees have had use restrictions, but at a later stage in the decision making process.

The State's concern is that its own standards for cleanup can be waived by the E.P.A., and that, because of the implementation of use restrictions, some of the areas of

contamination may never even be identified. Also, certain issues, including RCRA and the Colorado Hazardous Waste Act, cannot even be raised under this consent decree. Colorado also feels that, although it is trying to participate in the group effort, its concerns are generally ignored.

In cross examination by Ms. Firestone, Mr. Shelton admitted that he has no knowledge of the E.P.A.'s standards regarding ARARS and hence no foundation for his fears that the use restrictions will impede the identification of all contaminated sites. This point was also emphasized in cross by Shell's attorney who also pointed out that Mr. Shelton's department had previously proposed an analysis of the site which would have cost billions of dollars.

Mr. Shelton was also questioned about the Basin A neck plan of intercepting ground water at a narrow area of the aquifer, treating that water and reinjecting it. Must this water meet drinking water standards even though it will be reinjected into a contaminated aquifer? The State's objective, he said, is the cleanup of the environment within the Rocky Mountain Arsenal boundaries, not just of the migrating water.

A second witness, Harold P. Kite, then testified. He is an Adams County resident on the western border of the Rocky Mountain Arsenal, former City Council member, former Mayor and City Commissioner. He testified to the economic toll of the contaminated site. Area residents had to install charcoal filters, greatly increasing the cost of water use. The land use restrictions create fear in the area, and the residents have no voice in the decisions being made. Under State law, hazardous waste management is a county issue. The residents of Adams County are also concerned by the fact that those responsible for the pollution are also those responsible for clean up.

At this point the hearing was adjourned.



# Litigation Clerk Handbook

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## Introduction

**T**his handbook is designed to give you a brief overview of the litigation process and introduce you to some of the terminology you'll be hearing for the next year.

The litigation department at Irell & Manella is similar to litigation departments at most law firms in that it can be a fast paced environment, driven by deadlines both within and beyond the attorneys' control.

It is understood that you are coming into the firm with little or no prior knowledge of the legal process; hopefully you can refer to this handbook when you want more information regarding general procedural matters for a particular assignment.

The information given here will also give you a little more perspective as to the relevance of your assignments to the cases you are working on.

The elements of litigation are the same here as at any other firm, and the cases we handle make their way through the courts according to set rules. What you will find here that is not common to other law firms is the amount of interactive teamwork that exists on virtually every case you will come into contact with.

It is likely that you will be working directly with attorneys, legal assistants, other litigation clerks, and people from other departments which provide litigation support, such as Office Services, our in-house Computer Support Departments, the Records Department, the Library and the Word Processing Department.

### **You Have Questions – Ask Them!**

Because your work assignments will be so varied, it is important to be sure that you understand the instructions on each new assignment.

While there is a general pattern to each element of the litigation process, there is always the possibility that the next assignment you receive contains certain unique factors which require that the job be done a little differently. For example, when flagging documents for a witness file, normally the entire document would be marked. In some cases, however, your instruction might be to mark only the page of the document where the witness' name is found, so the attorney can go right to the reference to determine the relevance of the document. Even though you have done a similar project before, you should verify the details for each project, to make sure that all aspects of the project are understood.

➡ It is a good idea to carry a small pad and pen with you when called for an assignment in order to record these details.

You can assume that the questions you ask will be appreciated, and they may at times even lead to a more thorough analysis of the assignment and consequently a better way of completing the project.

There are certain questions that should always be asked when getting a new assignment, aside from confirming the details of the work itself:

- When is the assignment due?
- What is the client/matter number?
- If this assignment requires me to work extra hours to meet the deadline, is overtime approved?

Litigation is largely driven by deadlines, so knowing the timeframe for each assignment can help you organize your work day, set priorities, and allow you to help others with their emergencies, or to get help for your project if you won't be able to finish it in time.

Getting the client/matter number is important if you need to copy documents, as the copy machine is set up to bill all copies to the appropriate matters. This information is also used to bill the time you spent on a given assignment to the case you are working on.

As for overtime, it is generally approved, but there may be the occasional instance where some factors unknown to you will require limiting overtime, so it is always good to ask your supervisor when getting assignments on a new case.

Please also check with your supervisor before asking someone else to help you with your project. This is important for various reasons:

- Sometimes the client needs to screen the people in this office working on its cases for reasons you may never know about.
- There may be an agreement made by the attorneys that a case will be staffed in a particular way for financial reasons.
- There may be a conflict of interest between various matters in the office that you are not aware of, precluding some employees from working on certain matters if they are already working, or have worked, on other matters.
- Even if other people are allowed to work on your case, your supervisor may want the option to give them the project instructions directly, to make sure the work is being performed consistently. So please always talk to your supervisor before bringing in other people to help you with your work.



## Email Etiquette

Coordination of work assignments within the litigation department is often handled through the network email system. There will be times when you are between assignments. Other times you will have more work than you can manage.

You can use the email system to let others know that you have time available by sending a message to the Legal Assistants (Litigation) and the Litigation Clerks. If you need help with your workload, let your supervisor know and he/she will arrange to get you assistance.

We may occasionally get a request for lit clerk staffing on smaller matters where no legal assistant or lit clerk is currently assigned. Or there is an emergency somewhere in the department. Sometimes one of the other departments will send us a request for help.

You will receive group emails asking about your availability. As soon as you have determined whether or not you can assist, please respond to the email as to your status. Occasionally the department becomes so busy it is necessary to make other staffing arrangements or to bring in temporary help. The sooner you let us know your status, the sooner we can make this determination.

Not hearing back from you when an email request is sent out means that we do not know whether you have received the email, or whether you are available to staff the request, and we may wait until we hear from all the lit clerks before using alternate staffing. This can create problems on assignments with short deadlines. **It is as important to let us know that you can't help with the request as it is to let us know that you can.**

➡ It is essential that you check your email when you first arrive at work, and periodically throughout the day.

## Handbook Features

The various sections in this handbook will provide further details on some of the aspects of litigation you are likely to encounter, and information on and instruction for some procedures in place at Irell & Manella.

The Anatomy of a Case section is a general roadmap, which will give you an idea of the way certain parts of the litigation process interact with and complement other parts. The later sections will more thoroughly describe aspects of document management and information retrieval, which will be the main focus of most of your assignments.

Finally, samples of many of the documents discussed throughout the sections are included for your review.



## Anatomy of a Case

**M**ost cases being litigated follow a general pattern, though exceptions can and frequently do happen. The following is the basic form a case will take as it travels through the court system once the Complaint is filed. Samples of some of the documents described here are included in the back of this binder for your review.

**Complaint:** This is where the basic allegations of a case are asserted, though sometimes not too many details are known at this stage in the litigation. But it is a good place to start to find out what the allegations are, meaning why is someone suing our client, or why is our client suing someone else?

Cases at Irell & Manella are generally classified as business litigation, often involving issues such as contract disputes, bankruptcy-related issues, shareholder disputes against large corporations, and intellectual property disputes, such as patent infringement.

The complaint also indicates what court has jurisdiction over this matter, which will tell you what rules you will be following in this particular litigation.

➔ State court has different rules than federal court, and often there are additional local rules specific to whatever jurisdiction you are dealing with. The judge may also have his/her own set of rules to work with, which he/she will send to the parties after the complaint is filed.

You will find a copy of the complaint in the court file, as one of the first documents entered. Often as the case develops, the plaintiff will file one or more amended complaints to add or remove allegations, or add or remove defendants. The defendant may also file a counterclaim against the plaintiffs. The latest complaint or counterclaim will supercede the others.

**Motions:** The parties periodically present issues for the judge's resolution through the filing of motions with the court.

For example:

- Party A is suing Party B. If Party B feels that the complaint is defective in some way, it may file a motion to dismiss the action.
- If the motion is denied and the case continues, either party might file a motion for a protective order, to institute a court sanctioned level of confidentiality on documents and/or testimony.

- If Party B declines to fully answer Party A's discovery requests, Party A can then file a motion to compel in an attempt to have the court intervene on its behalf.

Any time a motion is filed, the other party has a right to file an opposition brief, and the first party is entitled to a reply.

A hearing date for the motion is scheduled at the time the initial motion is filed with the court, but actual hearings don't always take place. The judge might decide not to have oral argument on the motion, and instead issue a written order based solely on the briefs.

**Discovery:** The discovery phase is usually the longest phase of the case, and the one that you will be most involved with.

This is where all the factual and documentary evidence is gathered and testimony from witnesses procured.

➔ If the case involves the disclosure of information which the parties wish to keep out of the public domain, the two sides will set up ground rules, sometimes with help from the judge, to guard the more confidential aspects of the litigation, before evidence is exchanged. This usually results in the issuance of a protective order.

The judge may also issue orders governing certain aspects of the discovery process or to resolve discovery disputes as they occur.

A discovery schedule will be established, setting the deadlines for completion of the various stages of the case and setting the trial date. These dates are often modified by mutual agreement or by court order as the case progresses.

**T**here are three basic forms of written discovery requests: Interrogatories, Request for Admissions and Request for Production of Documents.

**Interrogatories:** The parties exchange lists of questions to elicit information regarding the dispute. The responses are generally due within a month unless an extension is granted. The attorney will work with the client to gather the information and then respond accordingly.

The attorney may later serve supplemental responses to some of the interrogatories as the facts of the case further develop. After responding, there is usually a short period of time for opposing counsel to decide if the answers are sufficient or if he/she wants to involve the court, through a motion to compel, in forcing the party to provide more information.

This part of the discovery process can involve multiple sets of Interrogatories.



**Request for Admissions:** At some point in the litigation, as the facts develop, the attorneys may decide that it would be strategically advantageous to ask the opposing side to admit certain facts in writing.

A case is usually built (or defended) step by step, and getting some of the steps pinned down in a request for admission is always helpful, and will save time and expense at trial.

Requests for Admissions are not as widely used as Interrogatories or Requests for Production.

**Request for Production of Documents:** The parties will request the opposing side to produce documents in various categories, to look for evidence to support (or defend) their claims.

This may involve the production of several thousands of pages of documents.

Each side will produce documents that have been bates labeled, or sequentially numbered, as a means of authenticating their source. A written response is also provided to the request.

Sometimes documents are required to be produced outside of the normal discovery process, pursuant to local court rules.

For cases pending here in the Central District in Los Angeles, Local Rule 6 requires parties to provide initial disclosures relating to information already developed for the case, including names of potential witnesses and all documents "which are then contemplated to be used in support of the material allegations of the pleading filed by that party, or to rebut the material allegations of the pleadings filed by any opposing party." Other jurisdictions may have similar requirements.

**Depositions:** As the case develops from the processes described above, the attorneys then decide which witnesses they require to give testimony, and depositions are then scheduled.

The witness is asked a series of questions, and asked to give information about certain documents. A transcript is prepared by the court reporter and it is sent to the parties, along with any exhibits which have been marked at the deposition.

The transcript may be provided to the parties in various forms, including:

- A full size transcript
- A condensed version (called a minuscrit)
- On a floppy disk, which can be loaded into a database
- Often the deposition is videotaped
- There may also be an email version of the transcript

The witness is allowed to review the transcript for mistakes and make corrections on a separate sheet of paper called an errata sheet.

There is a time limit for the witness to make any changes, and once the time has passed, the witness waives his/her right to make any corrections to the testimony.

The testimony is now an official part of the record for this case.

**Experts:** When the issues in the case become more developed through the discovery process, the attorneys will decide which issues require the services of an expert to clarify and/or advocate a given position.

Many of the documents produced in the case and some of the deposition testimony will be provided for the expert's review and analysis. A report will be generated by the expert based on this information and his/her deposition will then be taken.

Rebuttal reports are often prepared by opposing counsel's experts after their review of the initial reports.

**Summary Judgment/Adjudication:** At this point, the facts of the case are well developed, and often some of the allegations from the complaint and/or counterclaim can be disposed of by court order, through a motion for summary judgment or adjudication.

If an allegation can be proved or disproved as a matter of law, the court will do so, to try to dispose of the case altogether, or to simplify the issues to be proven at trial. If there are still factual disputes the issue must remain to be decided at trial, by a judge or jury.

➡ Summary judgment motions can be filed at any time during the course of the case, when a party feels that there is enough evidence to dispose of a given issue, or sometimes to dispose of the entire case.

**Trial:** Once the discovery process has elicited documents, admissions, and witness and expert testimony, and issues have been disposed of by the court, the case is ready for trial.

Witnesses must be scheduled and prepared to testify.

Evidence must be sorted out and trial exhibits must be decided upon. The attorneys will decide on their best evidence and how to present it to a judge or jury.

The evidence submitted at trial includes portions of deposition testimony, either read into the record or played in court from the videotape. These portions must be decided on beforehand and exchanged with opposing counsel, so they can prepare rebuttal testimony,



or additional sections of the deposition testimony to either rebut or more fully explain the testimony previously designated.

Trial exhibits prepared from documents gathered in the document productions and/or depositions are copied, placed into binders and exchanged with opposing counsel, and copies of the binders are made for the judge and/or jury and the witness to review during testimony.

Demonstrative exhibits and visual aids are prepared.

There is a final flurry of court filings relating to such issues as excluding certain evidence at trial, placing certain limits on areas of testimony for a given witness, filing exhibit and witness lists, and other procedural matters.

For jury trials, proposed jury instructions are prepared and filed with the court.

If a trial is scheduled to occur out of town, a warroom must be set up either in the hotel where the team is staying during trial, at the courthouse, or sometimes at the offices of local counsel.

A warroom is essentially a fully functioning office at or near the trial site. It will likely include computers and printers, a full set of office supplies, the case materials, copy and fax machines, and workspace for the attorneys and support staff.

For big cases where the trial is expected to last more than a few days, computer support personnel may arrange for the computers at the trial site to be linked to the office network.

During the course of a case being litigated outside of the Los Angeles area, a law firm in that court's jurisdiction, known as local counsel, will provide ongoing services to our firm to ensure local rules are followed and to facilitate the filing of documents with the court. Local counsel may offer their offices for use during the trial.

A team of attorneys, legal assistants, lit clerks, word processors and secretaries will be assembled to work at the trial site for the duration of the trial.

➔ This stage requires extensive and usually intense planning, and takes priority over everything else. If you are assigned to a case preparing for trial, it is important that you inform those you are working with on other cases, so arrangements can be made, if necessary, for someone to provide assistance while the trial is in progress.

This can be a very hectic and exciting period, as all the months of hard work and long hours now culminate in the formal presentation of evidence and testimony before a judge or jury, who will then decide your client's fate with regard to the issues now before the court.

If you are participating in the trial at the trial site, you can expect to be called into court, mainly to assist with logistical aspects of the trial, including transporting the exhibits and possibly helping with the witnesses. You will also be supporting the attorneys and staff before and after court, with last minute motions based on the day's events in the courtroom, and other continuing trial preparation.

If you are providing trial support from the office, you can expect to receive requests during the day and perhaps into the evening, as the attorneys react to the day's events. This could be retrieving and copying items from the case materials, making phone calls, and possibly coordinating with other departments at the firm to get materials pulled together and to the court or warroom in a timely fashion.

At the conclusion of the trial, the warroom must be dismantled and the case material, hardware and supplies shipped back to the firm. Depending on the amount of preparation required for the trial, this could take up to a week or more.

If an appeal is not filed, your job is about done. If an appeal is filed, there may be a small amount of work gathering documents from the file for the appellate process, but new material is rarely generated at this point. Eventually the materials from the case are organized and sent to storage and non-essential materials are destroyed. The case is now over.

It is not likely that you will always be assigned to cases at their beginning. Sometimes the cases are received by the firm after they have been in progress for a while; occasionally we get a case that is already very close to trial. Hopefully, this outline will assist you in understanding the status and timing of the cases you are working on, and what to anticipate in a general sense in terms of scheduling and work assignments. The legal assistant and/or attorney you are assisting can give you more detailed information.



## Witness Files

**P**reparing an attorney for depositions involves the creation of witness files. A witness file is comprised of every document in the case files which mentions that person's name. The file may also include documents that do not mention the witness but are pertinent to his/her expected testimony.

These documents will then be reviewed by the attorney, who will pull out certain documents to use when questioning the witness.

To create a witness file, you will be reviewing all the documents produced by all parties.

The process usually starts with a legal assistant handing you a list of names and a group of documents. Each page must be reviewed to see if it contains any of the names on your list.

If you find a name from your list on a document, write the witness number on a post-it-note and flag the document. Each name on your list will have a number assigned to it; if more than one name appears on a document, place all the applicable numbers on the post-it, so that a copy for each witness file will be prepared.

When all documents are reviewed and the copies made, the final step in preparing witness files is to put the documents into chronological order, beginning with the document with the earliest date. There will also be undated documents, which can be placed at the beginning of the file, and documents with partial dates, which can be integrated into the file if the year and/or month is indicated.

If the file is of substantial size, divider tabs can be inserted to create file subdivisions by year, month, or other appropriate breakdown. This will help the attorney in his/her review of the file.

A few notes about reviewing documents:

For a document to be used at deposition, it must be a complete document, with no pages missing.

Testimony is almost always halted on a document if it is incomplete. Be sure to flag the entire document for copying, not just the page where the witness' name appears. Use a paper clip or binder clip if the document is not stapled or if you are unsure if flagging the first page will result in the entire document being copied. The copy service will only be following your instructions, so please make your intentions clear when you are marking your documents for copying.

In reviewing documents, you are looking for peoples' names, but the people initially generating the documents might use initials, or only first or last names, or nicknames or partial names, like Bob for Robert. Please pay attention to these as there are times when the context of the document will give ample clues as to the person being referenced.

When in doubt, ask the person giving you the assignment how to proceed with partial names. Many times a group of people are reviewing the documents to prepare the witness



files, so it is very helpful to bring these partial names to the attention of the legal assistant, as this information can then be shared with others working on the project.

Also pay attention to any handwriting on the document, as documents are frequently forwarded to additional persons via a handwritten notation.

The point of preparing witness files is to gather all documents that a witness may or should have seen and can give testimony about. If a key document was not originally sent to a given person but forwarded later via a handwritten note, missing the document because you did not check the handwriting would be a critical error.

➡ It is not likely that the attorney will review the master files for deposition preparation once you prepare the witness file, so any documents not included for his/her review will probably be eliminated at this point.

The ultimate goal is to create a file that will be organized and easy for the attorney to review. The file will be a timeline for that witness, and having the documents in order will assist the attorney in seeing how each witness fits into the bigger picture.

This is also one of the tasks that must be discussed in detail with the person giving you the assignment. Please ask questions as they come up, because there can be variations on this procedure, and while this is the basic format you will be using for witness coding, each case has its own peculiarities.

Following this introduction are two memoranda with more specific guidelines about witness coding and preparing the chronologies.

# Depositions

**S**ome of the key evidence in a case is the recorded testimony of a witness, called a deposition. Here is a simplified version of the process:

The attorney requesting the deposition sends opposing counsel a notice of deposition, setting the time, date and location for that witness to appear with his/her attorney to answer questions.

The attorney noticing the deposition reviews evidence generated through the discovery process, reviews the witness file, and prepares a strategy for questioning each witness. Relevant documents are gathered and copied for use in questioning the witness.

On the day of the deposition, the witness and his/her attorney and the noticing attorney meet at the designated location. A court reporter is present to record the testimony and to mark the exhibits used in questioning, which then become part of the official record.

After the deposition, the court reporter will prepare an official transcript and attach the original exhibits that were marked at the deposition, and this transcript will be sent to the attorney representing the witness, or to the witness directly for his/her review.

There is a time period of about 30 days for the witness to review the testimony and possibly make corrections to any errors in the transcript. After this time period expires, the witness may not make further corrections.

Any corrections to the testimony are usually made on a separate sheet of paper called an errata sheet.

So, how do you  
organize and maintain  
all these separate but  
related pieces of paper?

First, it's good to know what you need to watch for, as much of this material may be coming in at different times.

Generally the first delivery will arrive within a couple of weeks after the deposition and contain some or all of the following items:

- The original transcript
- A certified copy of the transcript
- The exhibits
- A floppy disk version of the testimony attached to the hard copy
- Sometimes a videotape of the testimony
- A condensed version of the transcript, called a minuscrypt.

The attorney may also request an expedited copy of the transcript which the court reporter will email, shortly following the actual deposition. This will be a rough version and not an official transcript.

After the witness reviews the testimony and prepares the errata sheet, it will be sent by the witness' attorney to the court reporter and to all other counsel. The errata sheet should be kept with the transcript, and at some point you may be asked to transfer the witness' changes to the testimony directly into the transcript itself.

➡ It is always a good idea to set up a tracking log to record all this paper as it finds its way to the master file, so that any missing documents will easily become apparent. It is also a good idea to keep track of any original transcripts contained in your files. A sample log is included in this binder for your review.

Deposition transcripts, exhibits and deposition videotapes are always put into system files, but it is not usually necessary to have separate files for the minuscpts or for the exhibits, unless the material is voluminous.

➡ A good way to organize the minuscpts is alphabetically into a binder, particularly if the case is large with a lot of testimony. Office Services has alphabetical side tabs for this use.

➡ For the exhibits, putting a copy set into binders by exhibit number is also a good idea, and makes them more accessible to the attorneys. You may be asked to prepare an index to the exhibits as well.

As always, your supervisor will be your guideline for how the files should be set up and maintained; please consider this a general overview for identifying and organizing the various items you can expect to receive under this category of discovery.